

Atty Dkt. No.: LIFE-070DIV
USSN: 10/633,217

REMARKS

FORMAL MATTERS:

Claims 1-5 are pending in this application.

The specification has been amended to update the status of the parent application (09/513,071, which is now US patent no. 6,656,697.

DOUBLE PATENTING

The Examiner has rejected Claims 1-5 under the judicially created doctrine of obviousness type double patenting over Claims 1, 5, 6, 11 and 12 of U.S. Patent No. 6,656,697 in view of Freitag (EP 0654079B1). While not acquiescing to the propriety of the rejection, Applicants wish to expedite prosecution of this application and have provided a Terminal Disclaimer. In view of the enclosed Terminal Disclaimer over U.S. Patent No. 6,656,697, this rejection may be withdrawn.

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Conclusion

Applicant submits that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone the undersigned at the number provided.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number LIFE-070-DIV.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: 6/14/04

By: [Signature]
Susan C. Tall
Registration No. 52,272

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

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